

GEORGIA BOARD OF CHIROPRACTIC EXAMINERS
Board Meeting
December 15, 2011
Professional Licensing Boards
237 Coliseum Drive
Macon, GA 31217
9:05 a.m.

The following Board members were present:	Others Present:
Karen Mathiak D.C. Greg Baker, D.C. David Wren, D.C. Ms. Emily Campbell	Amy Morelli, Board Attorney Anita Martin, Executive Director Carol White, Board Secretary

Rules Hearing 9:00

The Board Rule Hearing was called to order at 9:06. There were no written or verbal comments received concerning the posted rules.

Board Rule 100-4-.01 – Advertising

Board Rule 100-4-.02 – Diplomate Status/Certifications

Board Rule 100-5-.02(1)(a) – Approval of Educational Programs

The Board Rule Hearing was adjourned at 9:10 a.m.

Open Session

Dr. Mathiak established that a quorum was present and the meeting that was scheduled to begin at 9:05 a.m., was called to order at 9:10 a.m.

Minutes from the October 20, 2011 Board meeting - Dr. Baker made a motion to approve. Dr. Wren seconded the motion and it carried unanimously.

Ratify Licenses - Dr. Baker made a motion to approve the ratified license list. Dr. Wren seconded the motion and it carried unanimously.

Consideration to adopt Board Rule 100-4-.01 – Advertising. Dr. Baker made a motion to adopt. Ms. Campbell seconded the motion and it carried unanimously.

Consideration to adopt Board Rule 100-4-.02 – Diplomate Status/Certifications. Ms. Campbell made a motion to adopt. Dr. Baker seconded the motion and it carried unanimously.

Consideration to adopt Board Rule 100-5-.02(1)(a)– Approval of Educational Programs Dr. Wren made a motion to adopt. Dr. Baker seconded the motion and it carried unanimously.

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Consideration to adopt Board Rule 100-7-.04 - Standards of Practice Ms. Campbell made a motion to adopt. Dr. Wren seconded the motion and it carried unanimously.

Consideration to adopt Board Rule 100-7-.08 – Contractual Pre-Payment for Services. Dr. Baker made a motion to adopt. Dr. Wren seconded the motion and it carried unanimously.

Board requested information from Krystal Shannon re: Rule Variance request re: Board Rule 100-2-.09(3) – Reinstatement of Expired Licenses. Dr. Wren made a motion to approve waiving fee and reinstating to inactive status. Ms. Campbell seconded the motion and it carried unanimously.

Correspondence from Dr. Cupon re: Life University and animal manipulation – The Board viewed as informational.

Rule Waiver request from Brent da Silva Russell re: Board Rule 100-5-.02 – Approval of education Programs. Dr. Wren made a motion to approve the rule waiver requests. Dr. Baker seconded the motion and it carried unanimously.

Rule variance request from Heidi Arabia re: Board Rule 100-2-.09 – Reinstatement of Expired License – Dr. Baker made a motion to deny the rule variance request and motioned to all allow Dr. Arabia to reinstatement her license and allow her until June 30, 2012 to pay fee. Dr. Wren seconded the motion and it carried unanimously.

Correspondence from Corinne Pitts, Postgraduate Department, ICPA, Inc. re CACCP. – Dr. Baker made a motion that, Certification from the Academy Council of Chiropractic Pediatrics, CACCP, would need to request to be added to Board Rule 100-4-.02 – Diplomate Status/Certifications. Dr. Wren seconded the motion and it carried unanimously.

Discussion from Dr. Cupon re: Chiropractic Health Clinics – The Board viewed as informational.

Executive Director’s Open Session – Ms. Anita Martin

- Ms. Martin provided Sam Sparlin, D.C. request for approval as a review agent. The Board reviewed the request and requested that the board contact Dr. Sparlin and request for him to send in a recent IME and a rule variance request concerning the training.
- Ms. Martin discussed the Federation of Chiropractic Licensing Boards, FCLB, membership. The Board viewed as informational.

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Miscellaneous –

- Ms. Martin will amend the reinstatement policy to remove the Ethics & Boundaries requirement and bring back to the board at their next board meeting for consideration to amend the policy

Attorney General's Open Session – Ms. Amy Morelli

- Ms. Morelli provided oral advice on the request from Premiere Healthcare regarding Review Agents. Dr. Wren made a motion to send a no legal letter. Dr. Baker seconded the motion and it carried unanimously.

Hearing

A hearing on Rick Allen Kuhlman, D.C. was called to order at 1:00 p.m. Dr. Baker made a motion to issue a Final Decision in the case as follows:

- Public Reprimand
- Indefinite suspension for not less than 6 months during which he must provide the “Health Insurance Fraud” presentation three times, two of the three must be before chiropractic audiences
- \$500 fine to be paid during period of suspension
- Notify Tennessee Board of Criminal Conviction and Final Decision during period of suspension
- After minimum of 6 month suspension Dr. Kuhlman can petition the Board to lift the suspension. If the suspension is lifted, Dr. Kuhlman will be placed on 5 years probation. The decision to lift suspension is solely in the board’s discretion.
- During probationary period, Dr. Kuhlman is to continue with the “Health Insurance Fraud” presentations not less than six times per year with not less than three presentations before a chiropractic audience.
- Approach the Georgia Chiropractic Association, Georgia Council of Chiropractic and Life University to speak before those audiences.
- During probationary period, no on line CE
- Board has the right to review patient records, including billing records during period of probation
- Effective date of suspension is 30 days from the docket date of the Final Decision

Ms. Campbell seconded the motion and it carried unanimously.

The hearing was concluded at 3:08 p.m.

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Executive Session

Dr. Wren made a motion, Dr. Baker seconded, and the Board voted to enter into **Executive Session** in accordance with O.C.G.A. §43-1-19(h)(2), 43-11-47(h) and §43-1-2(k) to deliberate on applications and enforcement matters and to receive information on applications, investigative reports and the Assistant Attorney General's report. Voting in favor of the motion were those present who included Ms. Emily Campbell. The Board concluded the **Executive Session** in order to vote on these matters and continue with the public session.

Executive Session:

1. J.L. – Score report from NBCE – The Board recommended Dr. L retake and pass the two parts of the exam that he didn't pass and to give 90 days to complete.

Appointments:

10:00 a.m. – S.A.L. – The Board recommended reinstatement under a public consent order.

10:30 a.m. – J.B.H. – The Board recommended approval.

11:00 a.m. – R.N. – The Board recommended requiring additional information from R.N.'s sponsor and a license verification form the Illinois Board be provided.

11:30 a.m. – M.C. – The Board recommended to uphold denial as M.C. was a no-show.

Legal Staff Attorney Report – Ms. Sonya Williams

J.Y.K., D.C. – Ms. Williams provided a request for an amendment to a reinstatement consent order on Dr. J.Y.K. The Board recommended removal of the ethic and boundaries requirement and to add an additional three hours of continuing education of Georgia law. The Board states that if applicant can provide proof of ceasing practice April 1, 2011, they will reconsider the request.

Applications:

1. F.R.C. – Endorsement/Reciprocity Application –The Board recommended approval for applicant and approved closing CHIR120005.
2. S.B.C. – Application –The Board recommended approval.
3. D.C.E. – Application – The Board recommended approval.
4. K.J.D. – Application – The Board recommended approval.
5. G.A.B. – Application – The Board recommended approval and ask applicant to send in disposition on criminal case when there is one.
6. H.A.A. – Reinstatement Application –The Board recommended approval.
7. J.W.M. – Application – The Board recommended approval.

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Investigative Committee Report – Drs. Mathiak and Wren

CHIR100034 – The committee recommends closing with no violation.

CHIR120012 – The committee recommends a public consent order

CHIR100010 – The committee recommends closing with a letter of concern

CHIR110067 – The committee recommends closing with no violation.

CHIR120001 – The committee recommends closing with no violation.

CHIR120002 – The committee recommends closing with no violation.

CHIR120013 – The committee recommends closing with no violation.

CHIR120019 – The committee recommends closing with no violation.

CHIR120016 – The committee recommends a mitigating circumstances letter.

Executive Director's Executive Session Report – Ms. Anita Martin

- Ms. Martin presented an e-mail from Paul McGuire of Neurocure. The Board advised to notify Mr. McGuire that the matter described in the e-mail is a civil matter and is not a matter for the Board.
- Ms. Martin presented to the Board for acceptance a signed private consent order on J.S.B. The Board recommended approval.

Attorney General's Report – Ms. Amy Morelli

- Ms. Morelli provided the Board with an update on the cases in her office.
- Ms. Morelli presented to the Board for acceptance a signed public consent order for Reinstatement on Steven Woltin, D.C. The Board recommended approval.

Open Session

Dr. Baker motioned, Dr. Wren seconded and the Board voted to approve the recommendations made in Executive Session.

Ms. Campbell made a motion to adjourn, Dr. Wren seconded the motion and it carried unanimously.

The Board meeting adjourned at 4:04 p.m.

Minutes recorded by:

Carol White, Board Support Specialist

Minutes reviewed and edited by:

Anita O. Martin, Executive Director